## AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK ) ss.: COUNTY OF NEW YORK )

**RYAN NEW**, being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at NEW YORK, NEW YORK.

That on the 30<sup>th</sup> day of May, 2008, deponent served the within **ANSWER** upon:

Thomas V. Marino, Esq. Dunnington Bartholow & Miller LLP 1359 Broadway New York, NY 10018

O'MELVENY & MYERS LLP Brendan J. Dowd. (Bd) Attorneys for Plaintiffs Times Square Tower 7 Times Square New York, New York 10036

attorneys in this action, at the addresses designated by said attorneys for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States post office department within the State of New York.

Ryan New

Sworn to before me this 30<sup>th</sup> day of May, 2008

Notary

JAMES HEFFLER
Notary Public, State of New York
No. 01HE6032393
Qualified in Queens County
Commission Expires November 1, 20